

1 David A. Bricklin, WSBA 7583
2 bricklin@bnd-law.com
3 Alexander Sidles, WSBA 52832
4 sidles@bnd-law.com
5 Bricklin & Newman, LLP
6 1424 Fourth Avenue, Suite 500
7 Seattle, WA 98101
8 Telephone: (206) 264-8600
9 Attorneys for Plaintiffs

Hon. Richard A. Jones
Hon. Brian A Tsuchida

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

NORTH CASCADES
CONSERVATION COUNCIL; and
KATHY JOHNSON.

NO 2:20-cv-01321-RAJ-BAT

V.

Plaintiffs,

MOTION FOR OVERLENGTH OBJECTION

UNITED STATES FOREST SERVICE,
et al.,

NOTED FOR: JULY 2, 2021

Defendants

Pursuant to LCR 7(f), the North Cascades Conservation Council and Kathy Johnson (hereinafter, “Plaintiffs”) move the Court for permission to file an overlength FRCP 72 Objection. Petitioners timely filed their Objection on June 17 (Dkt. 38). On June 18, counsel for Defendants pointed out that, while Plaintiffs had complied with the 12-page limit of FRCP 72, Magistrate Judge Tsuchida’s Report and Recommendation (Dkt. 37) set a page limit of six pages for any objections.

Plaintiffs recognize that motions for overlength filings are supposed to be filed three days in advance of the filing, per LCR 7(f). Plaintiffs apologize to the Court for overlooking the six-page limit in the Report. Nevertheless, Plaintiffs believe a 12-page Objection is appropriate here. Judge

1 Tsuchida's Report is 45 pages long and covers many issues of a technical nature, such as the scientific
2 data underlying the Forest Service's determination that sufficient woodpecker habitat will be
3 protected. Plaintiffs could not have briefed these issues in sufficient detail with only six pages.
4

5 The environmental and economic stakes of this case are high, involving thousands of acres of
6 forest slated for commercial harvest, and additional thousand acres for non-commercial thinning. *See*
7 Dkt. 37, at 6. In light of the stakes and the complexity of the issues, Plaintiffs ask the Court's
8 indulgence for a 12-page objection.

9
10 Dated this 21st day of June, 2021.

11 Respectfully submitted,

12 BRICKLIN & NEWMAN, LLP

13 /s/ *David A. Bricklin, WSBA No. 7583*
14 /s/ *Alexander Sidles, WSBA No. 52832*
15 1424 Fourth Avenue, Suite 500
Seattle, WA 98101
Telephone: 206-264-8600
16 E-mail: bricklin@bnd-law.com, sidles@bnd-law.com
17 *Attorneys for Plaintiffs*